

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 17, 2018 3:35 P.M.

Colorado Department of Higher Education
1600 Broadway, Suite 2200 Denver, CO 80202
Emily Griffith Conference Room

Board Members Present (Telephonically):

Paul Garibay, Chair;	Chris Reister;
Ryan Minic, Vice Chair;	Shelley Krovitz;
Tim Guerrero;	Arlene Rae Malay;

Board Members Absent:

Richard Behbehani

Division Staff Present:

Lorna Candler, Director;	
Mary Kanaly, Deputy Director & Compliance Officer;	
Lisa Hill, Program Coordinator (Telephonically);	Brad Uyemura, Compliance Investigator;
Rachel Acosta, Program Specialist;	Carrie Harding, Program Specialist;
April Cordova, Program Specialist;	
Amy Knoblauch, Data & Research Specialist;	

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

Jacquelynn Rich Fredericks, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Jessica Salazar, Assistant Attorney General, Office of the Colorado Attorney General;
Kelly Moore, Lincoln College of Technology;
Eric Juhlin, College America;
Melissa Osse, CO Association of Career Colleges and Schools;
Inta Morris, Colorado Department of Higher Education (Telephonically);
Desiree Sanchez, Functional Strength Pilates;

Call to Order:

The interim meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 3:35 P.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Additions / Changes to the Agenda

No changes were made.

Director/ Staff Report:

A report was not provided.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate of Approval

1. Functional Strength Pilates – Lone Tree - LH

Program Coordinator Hill presented to the Board for review and consideration of a Provisional Certificate. A school representative was present telephonically. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Ms. Malay motioned to approve the Provisional Certificate of Approval effective October 17, 2018. The motion was seconded and carried.

Other Business Items

1. Accreditation Actions

a. Virginia College/ Education Corporation of America Campuses

Director Candler reported to the board an update for the closure of Virginia College. Education Corporation of America is filing a federal action against the Department of Education and will be filing for receivership so that they may sell the remaining campuses. The Division will provide updates to the Board moving forward. No action taken.

b. College America

Mr. Garibay made opening remarks regarding College America to remind the Board of the matters discussed at the September 25, 2018 Board Meeting regarding the notice to students and staff that details information for the system-wide probation status placed upon CEHE by their Accreditor, ACCSC. In summary, the Board had concerns about whether CEHE's mandated notice of the system wide probation order violated minimum standards and/or other provisions of the Act. College America submitted to the Division a revised notice for the Board's review. The Board noted the following concerns with respect to the proposed revised notice:

- The notice to students and staff continues to list probation as "not an adverse action";
- The Accreditor's definition or any meaningful definition of probation is absent from the statement;
- The "FAQs" at issue have not been updated

- The original notice uses the phrasing "schools are periodically placed on probation;" while this statement has been removed the other concerns addressed by the Board in the September meeting remain.

The Board allowed the school representative, Eric Juhlin, to speak to the Board's continued concerns.

After consideration and discussion of the each of the previous matters, Ms. Malay motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, regarding College America and in consideration of relevant parts of the Private Occupational School Act, C.R.S. §23-64-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division/department staff as deemed necessary at 4:30 P.M.

Members of the Division and counsel left the conference room to convene in executive session in a separate room using a secondary conference line for Board Members. The executive session recorder was turned on.

After review and consideration of the previously mentioned matters in executive session, the recorder was turned off and the Board and Division staff and counsel returned to the regular session meeting room. Once the regular session recorder was resumed, Assistant Attorney General Rich Fredericks affirmed for the record that this Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in good faith in what is believed to be attorney-client privileged discussions.

The Board resumed discussion of CEHE's revised notice and the Q&A materials noting continued concerns with potential violations of the Act. Subsequent to the Board's public discussion, Mr. Reister made a motion to issue a Notice of Noncompliance to College America based upon a reasonable belief that the Private Occupational School Act, C.R.S. §23-64-101 et seq. and the Rules and Regulations, 8 CCR 1504-1 may have been violated. The Notice will seek further information from the School as to these concerns. Ms. Krovitz amended the motion, such that the School may be placed on probation with the Division if the issue is not resolved. The motion was seconded and carried.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 5:26 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday October 23, 2018, at 9:30 A.M. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204
Telephone (303) 862-3001